HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

Writ Petition No.11802 of 2005

Dated: 26th September, 2005

Between:

Sri P.Audinarayana, Sarpanch (I/c),

Maddipadu Gram Panchayat,

Maddipadu, Prakasam District.

..... PETITIONER

AND

1. The Principal Secretary, Panchayat Raj and Rural

Development, Secretariat, Hyderabad and others.

.....RESPONDENTS

HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

Writ Petition No. 11802 of 2005

ORDER:

This writ petition has been filed by P.Audinarayana, In-charge Sarpanch, Maddipadu Gram Panchayat, Maddipadu, with a prayer to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the District Collector (Panchayat Raj), Prakasam District, at Ongole-2nd respondent and the Executive Engineer, Panchayat Raj Division, Ongole, Prakasam District-3rd respondent in not entrusting the execution of work to the works committee of the Gram Panchayat especially when there is matching component of rice under Sampoorna Gramina Rozgar Yojana Special Component {for short 'SGRY (SC)'} as

illegal, arbitrary and contrary to the guidelines issued by the Government.

2. The grievance of the petitioner is that the works sanctioned under 'SGRY (SC) are not being entrusted to the works committee of the petitioner-Gram Panchayat. According to the petitioner, guidelines have been framed in pursuance of the judgment passed by the Supreme Court, where under it is stated that the works are to be carried out in the village through works committee.

3. The respondents filed counter affidavit. Smt. B.Udaya Lakshmi has sworn to the counter affidavit. It is stated in the counter affidavit that the present works are not sanctioned under SGRY (SC) and therefore, the entrustment of the works i.e. for construction of the Mandal Revenue Office to the works committee does not arise. Paras.4 and 5 need to be noted and they are thus:

> "The rice allotted for construction of Mandal Revenue Officer's office building is only a tie-up arrangement to provide rice to the labour engaged in the construction of the building. This particular work does not come under the purview of shelf of projects of wage component. As far as the letter of Executive Engineer, Panchayat Raj, Ongole, dt.09.08.2004 is concerned it is submitted that wherever works are executed under Sampurna Grameena Rojgar Yojana Special Component [SGRY (SC)] then it has to be allotted to Works Committee, where as the present construction is a specially sanctioned work by the Collector and there is no contribution from the Gram Panchayat and the total expenditure are borne by the Collector's National Small Savings (NSS) funds and Interest funds.
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> 5. In reply to Para.4 of the affidavit, it is submitted that the Superintending Engineer, Panchayat Raj Circle, Guntur, after due enquiry opined that there is local problem to allot work to any Works Committee, as such recommended for departmental execution and also informed that since the Collector is providing funds and Gram Panchayat is not contributing in execution of this work it can not be questioned. Hence, the work was taken up departmentally."

4. Heard learned counsel appearing for the petitioner and learned Government Pleader for Panchayat Raj and Rural Development appearing for the respondents.

5. Learned counsel appearing for the petitioner submits that the construction of the Mandal Revenue Office is being taken up under SGRY (SC) and therefore, the work

is to be entrusted to the works committee of the gram panchayat. He refers the guidelines issued in G.O.Rt.No.4974 dated 13.09.2002.

6. Learned Government Pleader for Panchayat Raj and Rural Development appearing for the respondents submits that the construction of the Mandal Revenue Office is not under SGRY (SC) and therefore, the guidelines issued in G.O.Rt.No.4974 dated 13.09.2002 are not applicable.

7. The writ petition is filed on the ground that the construction of the Mandal Revenue Office is under SGRY (SC). A specific assertion has been made by the respondents in the counter affidavit that the construction of the Mandal Revenue Office is not under SGRY (SC). Such is the assertion, the guidelines issued in G.O.Rt.No.4974 dated 13.09.2002 on which the counsel for the petitioner placed reliance have no application. Therefore, when once those guidelines are not applicable to the construction of the Mandal Revenue Office, no Mandamus can be issued to the respondents as sought for by the petitioner. Hence, the writ petition is devoid of merits and it is liable to be dismissed.

8. Accordingly, the writ petition is dismissed. No costs.

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B.SESHASAYANA REDDY, J.

Dated: 26th September, 2005.

Note:

Issue C.C. within a week.

B/O

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